

AN ACT

To enable the Members of the

United Church of England & Ireland

In Canada to Meet in Synod;

Together with

The Canons,

Passed by the

Synod of the Diocese of Toronto,

Under the Episcopate of

John Strachan, D. D.,

Lord Bishop of the Diocese of Toronto,

A.D. 1857.

Toronto:

H. Rowse, Printer to the Synod.

1857.

The EDITH *and* LORNE PIERCE
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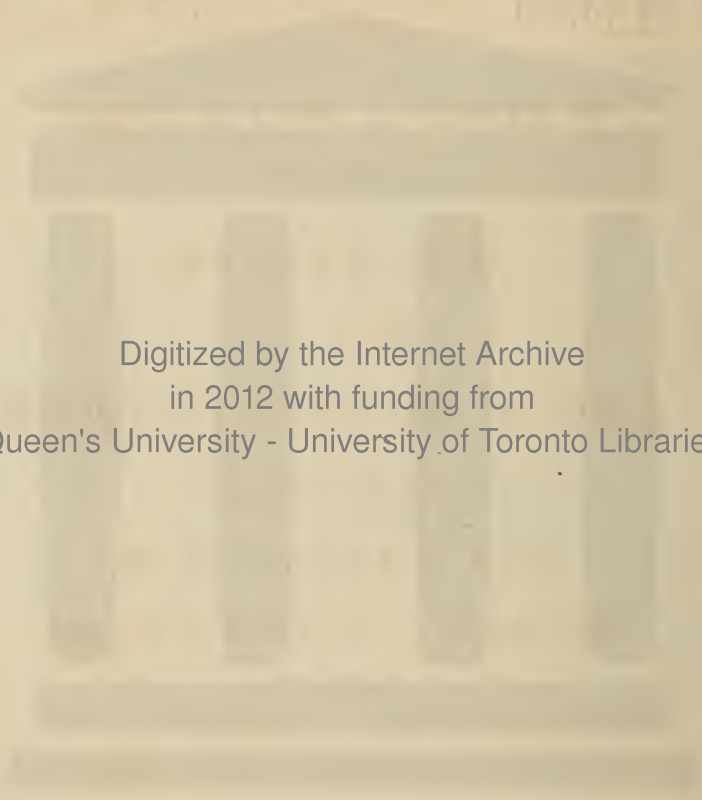
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An Act

To enable the Members of the United Church of England and Ireland, in Canada, to meet in Synod.

Whereas, doubts exist whether the members of the United Church of England and Ireland, in this Province, have the power of regulating the affairs of their Church, in matters relating to discipline, and necessary to order and good government, and it is just that such doubts should be removed, in order that they may be permitted to exercise the same rights of self-government that are enjoyed by other religious communities : therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. The Bishops, Clergy, and Laity, members of the United Church of England and Ireland in this Province, may meet in their several Dioceses, which are now, or may be hereafter constituted in this Province, and in such manner and by such proceedings as they shall adopt, frame constitutions and make regulations for enforcing discipline in the Church, for the appointment, deposition, deprivation, or removal of any person bearing office therein, of whatever order or degree, any rights of the Crown

to the contrary, notwithstanding, and for the convenient and orderly management of the property, affairs, and interests of the Church in matters relating to, and affecting only, the said Church, and the officers and members thereof, and not in any manner interfering with the rights, privileges, or interests of other religious communities, or of any person or persons not being a member or members of the said United Church of England and Ireland : provided always that such constitutions and regulations shall apply only to the Diocese or Dioceses adopting the same.

II. The Bishops, Clergy, and Laity, members of the United Church of England and Ireland, in this Province, may meet in general Assembly within this Province, by such Representatives as shall be determined and declared by them in their several Dioceses ; and in such general Assembly frame a constitution and regulations for the general management and good government of the said Church in this Province : provided always, that nothing in this Act contained shall authorise the imposition of any rate or tax upon any person or persons whomsoever, whether belonging to the said Church or not, or the infliction of any punishment, fine, or penalty upon any person, other than his suspension or removal from any office in the said Church, or exclusion from the meetings or proceedings of the Diocesan or General Synods ; and provided also, nothing in the said constitutions

or regulations, or any of them, shall be contrary to any law or statute now or hereafter in force in this Province.

I hereby certify the above to be a true copy of the Bill passed by the Legislative Council and Legislative Assembly of Canada, in the Second Session of the Fifth Provincial Parliament, and reserved for the signification of Her Majesty's pleasure thereon by His Excellency the Governor-General, on Thursday, the nineteenth day of June 1856, and subsequently assented to by Proclamation in the *Canada Gazette*, bearing date the twenty-eighth day of May, 1857.

J. F. TAYLOR, *Clerk, Legislative Council.*

The Canons.

I.---Constitution of the Synod.

1. **The Synod** shall consist of the Bishop of the Diocese ; of the Clergy of the same licensed to the cure of souls, or holding office in any College or School under the jurisdiction of the Bishop, and not under ecclesiastical censure ; and of Lay-Representatives to be elected as hereinafter provided.

2. The Lay-Representatives shall be male commu-

nicants of at least one year's standing, of the full age of 21 years, and shall be elected annually at the Easter Meetings, held by each Minister having a separate cure of souls ; and all laymen within the cure, of 21 years of age or upwards, who shall have declared themselves, in writing, in a book to be provided for such purpose by the parish, to be "Members of the United Church of England and Ireland, and to belong to no other religious denomination," shall have the right of voting at the election.

3. The Minister himself, if present, shall preside at the election ; and in his absence, the Curate or Assistant Minister, or a chairman elected by a majority of those present.

4. The number of representatives to be elected within any cure shall be one or more, not exceeding three in number.

5. Each representative shall receive from the Minister or chairman of the meeting a certificate of his election, signed by the person presiding at the election ; and shall continue in office until his successor is appointed.

6. If a vacancy should occur in the number of representatives, the Minister shall proceed to hold a new election with as little delay as possible, after due notice.

7. Clergymen who have been members of the Synod, but have become superannuated in consequence of age or infirmity, may continue to attend the meetings of the Synod, and vote thereat.

8. The Bishop shall appoint the time and place of meeting, and adjourn, prorogue, or dissolve the Synod, as may appear most for the welfare of the Diocese.

9. When the Bishop is not present, he shall appoint his deputy, being a dignitary or senior Clergyman of the Diocese, to preside in his place ; and upon a vacancy in the See, the senior Archdeacon, or in his absence the Archdeacon next in order of seniority, or in the absence of an Archdeacon, the senior Rural Dean, shall within one week from the occurrence of such vacancy summons a meeting of the Clergy and Lay-Representatives, to be held at the expiration of twenty days from the date at which such meeting shall be summoned, to elect a successor to the See, in cases where provision for the sustentation of the Bishop has been made and accepted by the Governor-General of the province, or person administering the government thereof ; and when no such provision has been made, then so soon after such provision shall have been made and accepted.

10. A quorum of the Synod shall consist of not less than one-fourth of the whole number of both Clergy and Lay Representatives respectively.

11. There shall be two Secretaries, one from the clergy, the other from the laity, who shall keep regular minutes of all proceedings of the Synod, shall record them in a book provided for that purpose, shall preserve all papers, memorials, and other documents, shall attest the public acts of the Synod, and

shall deliver all records and documents to their successors ; the same to have power to appoint an assistant Secretary.

12. There shall be a Treasurer of the Synod, who shall receive and disburse all moneys collected and paid under its authority ; and two Auditors, who shall annually inspect and report on the condition of the accounts.

13. The expenses of the Synod shall be provided for by assessment upon the different parishes, by a Committee appointed for the purpose.

14. No act or resolution of the Synod shall be valid without the concurrence of the Bishop, and of the majority both of the clergy and of the laity present and voting at the meeting ; but when such act or resolution shall be objected to by either of the three estates, a vote shall be taken thereon by separate chambers ; and if difference still subsists when such vote is so taken, then the subject under consideration shall stand over for further consideration to the ensuing Synod.

15. Any proposition for an alteration of the constitution, regulations, rules of order, or canons, shall be introduced in writing, and considered at the meeting at which it is introduced ; and if approved by a majority, shall lie over to the next meeting of the Synod, and if again approved by majorities, consisting of two-thirds of both clergy and laity, it shall be adopted.

II.—Order of Proceedings.

1. **The first meeting of the Synod** in each Session shall be preceded by public morning prayer and the Holy Communion, accompanied by a sermon ; and the collection at the offertory shall be devoted to missionary, or other purposes, at the direction of the Synod. Public morning and evening prayer shall likewise be held on every day of the Synod.

2. The business of every day shall be preceded by special prayer for the divine guidance and blessing, according to a form authorised by the Bishop.

3. After this prayer, the clerical Secretary shall call over the roll of the clergy, to be furnished by the Bishop, and mark the names of those in attendance ; and the lay Secretary shall call over the names of the several parishes ; when the certificates of the representatives, having been presented, shall be examined by the Secretary and a committee of two to be appointed for that purpose ; and, where found satisfactory, the names shall be recorded and read by the Secretary.

4. The election of new Secretaries shall then be made by the clergy and laity respectively, and a Treasurer and two Auditors shall be appointed ; all of which officers shall hold their respective offices until their successors shall be appointed.

5. After this, on the first day, and on, all other days after prayers, the order of business shall be as follows :

(1.) Reading, correcting, and approving the Minutes of the previous meeting.

(2.) Appointing Committees.

(3.) Presenting, reading, and referring Memorials and Petitions.

(4.) Presenting Reports of Committees, and of the Treasurer and Auditors.

(5.) Giving notice of motions.

(6.) Taking up unfinished business.

(7.) Consideration of motions.

6. An address from the Bishop shall be in order at any time.

III.—Rules for the Preservation of Order.

1. **When the Bishop** or other person presiding has taken the chair, no member shall continue standing.

2. When any member is about to speak for the information of the Synod, he shall rise and address himself to the Chair.

3. No motion or amendment shall be considered as before the Synod (excepting such as may be proposed by the Bishop or committees) unless seconded,

and (when required) reduced to writing. To prevent surprise, no motion, except in course, shall be considered till the succeeding day of meeting.

4. No member shall speak more than twice on the same question, without asking and receiving permission from the Chair.

5. When a question is under consideration, no other motion shall be received, unless to adjourn, to lay it on the table, to postpone it to a certain time, to postpone it indefinitely, to commit it, to amend it, or to divide on it ; and motions for any of these purposes shall have precedence in the order here named.

6. Motions to adjourn or to lay on the table shall be decided without debate.

7. When a motion has been read to the Synod by the Secretary, it cannot be withdrawn by the mover without the consent of the Chair.

8. Each member shall have the right to require at any period of the debate, that a question in discussion be read for his information.

9. A member called to order while speaking shall sit down, unless permitted to explain.

10. All questions of order shall be decided by the Chair.

11. All amendments to a motion shall be considered in the order in which they are moved.

12. When a proposed amendment is under consideration, a motion to amend the same may be made ; but no after amendment to such second amendment

shall be in order ; yet a substitute to the whole matter may be proposed and received, provided it deals directly with the subject in hand.

13. All amendments to any question or amendment shall be decided on before the question or motion on which they arise is proposed for decision.

14. Whilst any question is being put from the Chair, the members shall continue in their seats, and shall not hold any private discourse ; and when a motion is so put, no member shall retire until such motion is disposed of.

15. When a division takes place, the votes of the clergy and laity shall be taken separately, if required by the Bishop or four members of each of the respective orders ; and the Lay Representatives shall in all such cases vote by parishes.

16. In voting, those who vote in the affirmative shall first rise, and then those who vote in the negative.

17. A question being once determined, shall not again be drawn into discussion in the same session, without the special sanction of the Bishop.

18. No protest or dissent shall be entered on the minutes of the proceedings ; but, when required by any one member, the number of affirmative and negative votes shall be recorded.

19. When the Synod is about to rise, every member shall keep his seat until the Bishop, or other person presiding, has left the Chair.

IV.---Rules regarding Committees.

1. **All Committees** shall be named by the Chair, unless otherwise ordered.

2. The reports of committees shall be in writing, signed by the Chairman, and shall be received in course, unless a motion be made for their recommitment.

3. The chairman of the committee, or some member deputed by him, shall explain to the Synod the bearing of any portion of the report, if requested by any member of the Synod.

4. All reports of committees recommending any action or expression of opinion, shall be accompanied by a resolution for the action of the Synod thereon.

5. That inasmuch as it would facilitate the despatch of business, and ensure a more effectual consideration of all matters to be discussed at the meeting of Synod, there shall be an Executive Committee, to be nominated and presided over by the Right Rev. the Bishop, and to consist of twenty-six members, thirteen chosen from among the clergy, and thirteen from among the Lay Representatives of the Synod ; the election to be, as in the case of other committees, for a period extending from one Synod to the opening of the next.

6. That it shall be the duty of the Executive Committee to prepare in due form all such matters as the

Bishop, or any member or members of the Synod, clerical or lay, may desire to have brought before the Synod, and to issue a circular under the Bishop's direction, stating the nature of the business for the ensuing Synod, and the order in which such business will be discussed.

7. That the business to be submitted to the Synod be sent to the Executive Committee two months before the meeting of Synod ; and a circular, containing a statement of the business to be submitted be forwarded to each Clergyman and parish, one month before the meeting of Synod.

V.---Election of Bishop.

That in the election of a Bishop to a vacant See, or to a new See, the clergy and laity shall vote separately by ballot ; the clergy by individuals, and the laity by parishes. A majority of votes in each order shall determine the choice, provided that two-thirds of the clergy entitled to vote be present, and two-thirds of all the parishes entitled to vote be represented ; otherwise two-thirds of the votes of each order shall be necessary to determine the choice.

VI.---Subdivision of a Diocese.

In the event of the subdivision of the Diocese, the portion intended to form the new Diocese, shall be bound in all their public proceed-

ngs by the constitution of the Diocese of which they formed a part, until the said new Diocese shall be fully organized by the election and consecration of the Bishop.

Any Clergyman elected a Bishop, and holding at the time of such election any preferment or benefice, shall resign such preferment or benefice prior to his consecration.

